

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TAMMY DEVANE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

INSTANT BRANDS LLC,

Defendant.

Case No. 1:22-cv-04900

Hon. Andrew R. Wood

**INSTANT BRANDS LLC'S NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant Instant Brands LLC (“Instant Brands”) hereby submits this Notice of Supplemental Authority to inform the Court of the following dismissals with prejudice, which bear directly on the issues raised in Instant Brands’ pending motion to dismiss and were issued subsequent to the filing of Instant Brands’ reply brief:

Case Name	Claims Asserted	Outcome	Date of Dismissal
<i>Santiful et al v. Wegmans Food Markets, Inc., No. 7:20-cv-02933-NSR (S.D.N.Y.)</i>	*NY GBL, *breach of warranties, *fraud, *unjust enrichment, <sup>^</sup> negligent misrepresentation, <sup>^</sup> injunctive relief	*Dismissed with prejudice.  ^Withdrawn in opposition brief.	Case dismissed on 3/10/2023.
<i>Martelli v. Rite Aid Corp., No. 21-CV-10079 (S.D.N.Y.)</i>	NY GBL (Plaintiff also brought claims for violation of state consumer fraud acts, breaches of warranty, negligent misrepresentation, fraud, unjust enrichment, and injunctive relief, but withdrew them at a	Dismissed with prejudice.	Case dismissed on 2/16/2023.

	pre-motion conference.)		
<i>Hoffman v. Kraft Heinz Food Co., No. 22-CV-397 (S.D.N.Y.)</i>	NY GBL, state consumer fraud acts, breach of warranty, fraud	Amended complaint dismissed with prejudice.	Case dismissed on 2/8/2023.
<i>Hawkins v. The Coca-Cola Company, No. 7:21-cv-08788 (S.D.N.Y.)</i>	NY GBL, breach of warranty, fraud	Amended complaint dismissed with prejudice.	Case dismissed on 2/7/2023.
<i>Wheeler v. The Topps Company, Inc., No. 1:22-cv-02264-LGS (S.D.N.Y.)</i>	NY GBL, breaches of warranty, negligent misrepresentation, fraud, unjust enrichment	Dismissed with prejudice.	Case dismissed on 1/25/2023.

Dated: April 10, 2023

Respectfully submitted,

/s/ Jason Stiehl

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*Attorneys for Defendant Instant Brands LLC*

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, hereby certify that on April 10, 2023, I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of the Court for the Northern District of Illinois via the Court's CM/ECF system.

/s/ Jason Stiehl